IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 7299 of 2005

Between:

1 Bodhula Narayana, S/o. Ramaiah,
R/o. Rampur Village, Beemini Mandal, Adilabad District.
2 Sabbanni Balaiah, S/o. Mallaiah,
R/o. Rampur Village, Beemini Mandal, Adilabad District.
3 Pulagam Moramma, W/o. Beemaiah,
R/o. Rampur Village, Beemini Mandal, Adilabad District.
4 Mudimadgula Lingaiah, S/o. Rajaiah,
R/o. Rampur Village, Beemini Mandal, Adilabad District.
5 Pothurajula Istari, S/o. Malaiah,
R/o. Rampur Village, Beemini Mandal, Adilabad District.
6 Pothurajula Shakar, S/o. Malaiah,
R/o. Rampur Village, Beemini Mandal, Adilabad District.
7 Kunta Kanaka Raju, S/o. Rajamouli,
R/o. Rampur Village, Beemini Mandal, Adilabad District.

..... PETITIONERS

AND

1. The Sub-Collector Cum Land Acquisition Officer, Asifabad,

Adilabad District.
2 The District Collector, Asifabad, Adilabad District.
3 The Chief Engineer, Minor Irrigation Dept. Eerra Manzil,

Hyderabad.
4 The Government of Andhra Pradesh, Rep by its Principle

Secretary, Irrigation and CAD Department, Secretariat,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction, more particularly one in the nature of Writ of

Mandamus directing the Respondents to initiate Land Acquisition proceedings under land Acquisition Act for forcibly taking Possession of the lands of the petitioners in Sy.Nos. 244, 244/Aa, 204, 64, 206, 208, 234, 236, 171/Aa, etc., of Rampur Village, Bhimini Mandal, Adilabad District, on 8-11-2002, for purpose of formation of New Tank, a/c Branch of Yerravagu stream near Rampur Village, Bhimini Mandal, and consequently direct the Respondents to pay the compensation to the petitioners under L.A. Act within 4 weeks from today.

Counsel for the Petitioner:MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondents: GP FOR REVENUE

The Court made the following O R D E R:

This writ petition is filed by the petitioners, who are 7 in number, with a prayer to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to initiate Land Acquisition proceedings in respect of the lands of the petitioners in Sy.Nos.244, 244/Aa, 204, 64, 206, 208, 234, 236, 171/Aa etc., of Rampur Village, Bhimini Mandal, Adilabad District, for the purpose of formation of New tank, a/c Branch of Yerravagu stream near Rampur village, Bhimini Mandal and consequently direct the respondents to pay compensation.

First petitioner has given a sworn affidavit in respect of the writ petition. It is stated in the writ petition that the petitioners are the owners and possessors of the land in Sy.Nos.244, 244/As, 204, 64, 206, 208, 234, 236, 171/Aa etc., of Rampur Village, Bhimini Mandal, Adilabad District. It is further stated that in May, 2000, the Irrigation Department started Survey for formation of New Tank across, Yerravagu, Near Rampur village. After the Survey, the third respondent accorded Hydraulic Clearance vide proceedings No.DCE(MA)/DT2-55-1 to 4, dated 08.11.2000. The Government after considering the issue in detail accorded administrative sanction. The Irrigation Department after getting Administrative sanction from the Government, forcibly took possession of the lands of the petitioners without initiating any proceedings under the Land Acquisition Act. Since the representations of the petitioners did not yield any fruitful results, they approached this Court by invoking the jurisdiction under Article 226 of the Constitution of India.

Third respondent filed the counter affidavit stating that preliminary enquiry report was obtained from Mandal Revenue Officer, Bhimini Mandal and basing on that, the DN/DD proposals under Section 4(1) and 6 of the Land Acquisition

Act have been submitted to the Collector for approval.

I deem it appropriate to refer para 4 of the affidavit, which reads as under:

> "It is submitted that accordingly the lands have been got surveyed by the Land Acquisition Officer through Mandal Surveyor which was scrutinized by Deputy Inspector of Survey and accordingly Sub Divisional Records were prepared. Similarly preliminary enquiry report was obtained from Mandal Revenue Officer, Bhimini Mandal. Basing on that the DN/DD proposals under Section 4(1) and (6) of L.A.Act have been submitted to the Collector, Adilabad for approval vide Sub-Collector Asifabad's letter No.B/153/02, dated 20.06.2005. The allegation made by the petitioners that the requisition department took the possession of lands forcibly is baseless. It is fact that action of payment of land compensation is being taken duly following L.A.Process."

Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

Since the proposals for acquisition have already been initiated and necessary notice has been issued, I deem it appropriate to direct the respondents to complete the enquiry and pass the award within a period two months from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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18.07.2005

usd

To

1. The Sub-Collector Cum Land Acquisition Officer, Asifabad,

Adilabad District.

2 The District Collector, Asifabad, Adilabad District.

3 The Chief Engineer, Minor Irrigation Dept. Eerra Manzil,

Hyderabad.

4 The Principal, Government of Andhra Pradesh,

Secretary, Irrigation and CAD Department, Secretariat,

Hyderabad.

5. Two CCs to G.P. for Land Acquisition, High Court of A.P., Hyderabad (OUT)

6. Two CD copies.